IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23805 of 2007(H)

PETITIONER:

KERALA AGRO INDUSTRIES CORPORATION LTD.,
KISSAN JYOTHI, FORT, TRIVANDRUM,REPRESENTED BY ITS MANAGING DIRECTOR, SRI.N.K. MANOJ.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

RESPONDENTS:

1. THE ASSISTANT PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANIZATION, REGIONAL OFFICE, TRIVANDRUM.

2. THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, 7TH FLOOR, SKYLARK BUILDING, 60 NEHRU PLACE, NEW DELHI-110 019.

BY SMT.T.N.GIRIJA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.23805 of 2007

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Dated this the 3rd day of August, 2007

J U D G M E N T

Aggrieved by Exts.P1 to P3 orders under the Employees' Provident Funds and Miscellaneous Provisions Act, the petitioner filed appeals before the 2nd respondent-Tribunal. The contention of the petitioner is that the 1st respondent has issued Ext.P7 notice directing the petitioner to pay the amounts covered by Exts.P1 to P3 orders which are pending in appealS by Exts.P4 to P6 appeals. The contention is that the appeals themselves are posted for hearing on 11.9.2007 and in the meantime, recovery shall not be enforced.

2. I have heard the learned Standing Counsel appearing for the Provident Fund Organization also.

3. In so far as the appeals themselves are to be heard on 11.9.2007, it is only just and proper that the coercive proceedings pursuant to Exts.P1 to P3 are kept in abeyance till

disposal of the appeals, provided of course that the petitioner is ready for hearing on 11.9.2007 itself. Subject to that condition, I dispose of this writ petition directing the 1st respondent to keep further proceedings pursuant to Exts.P1 to P3 in abeyance till the 2nd respondent passes orders on Exts.P4 to P6 appeals.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.